

**JOINT LETTER**

October 7, 2011

**Via CM/ECF & FedEx**

Hon. Cathy L. Waldor, U.S.M.J.  
United States District Court  
District of New Jersey  
M.L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re:** *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (ES-CLW)  
*BanxCorp v. LendingTree, LLC*, Civ. No. 10-2467 (ES-CLW)

Dear Judge Waldor:

Plaintiff BanxCorp (“Plaintiff” or “BanxCorp”) and Defendant Bankrate Inc. (“Defendant” or “Bankrate”) respectfully submit this Joint Letter concerning the following issues:

- 1) Alleged deficiency claims by Plaintiff numbered I-XV (the “Deficiency Claims”) served on August 24, 2011 in connection with Defendant’s responses to Plaintiff’s Requests for Production of Documents (“RPD”) and Requests for Admission (“RFA”), as set forth in the annexed **Appendix I**; and
- 2) Alleged deficiencies in BanxCorp’s responses to Bankrate’s Special Interrogatories served on August 31, 2011, as set forth in the annexed **Appendix II**.

Respectfully submitted,

s/Mordechai I. Lipkis  
Mordechai I. Lipkis  
MORDECHAI I. LIPKIS, ESQ.  
350 Broadway, Suite 1105  
New York, New York 10013  
(212) 925-4023  
(212) 925-4702 Fax  
mlipkis@mlipkis.com

*Counsel for Plaintiff BanxCorp*

s/  
R. Scott Thompson  
LOWENSTEIN SANDLER PC  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500  
(973) 597-2400 Fax  
sthompson@lowenstein.com

*Counsel for Defendant Bankrate Inc.*

Enclosures

cc: Hon. Esther Salas, U.S.D.J. (*via ECF and FedEx*)  
All Counsel of Record (*via ECF*)

---

**From:** Thompson, R. Scott <[sthompson@lowenstein.com](mailto:sthompson@lowenstein.com)>  
**Sent:** Friday, October 07, 2011 1:56 PM  
**To:** 'kristen@renzullipc.com'  
**Cc:** Hahn, Michael J.; 'dlbrown@sheppardmullin.com'; 'mlipkis@mlipkis.com'  
**Subject:** Re: Joint Letter to Judge Waldor - BanxCorp v. Bankrate

As long as these are the same documents that we sent to you and you sent to us an hour ago they can be filed.

---

**From:** Kristen Renzulli [mailto:[kristen@renzullipc.com](mailto:kristen@renzullipc.com)]  
**Sent:** Friday, October 07, 2011 01:45 PM  
**To:** Thompson, R. Scott  
**Cc:** Hahn, Michael J.; Daniel Brown <[dlbrown@sheppardmullin.com](mailto:dlbrown@sheppardmullin.com)>; [mlipkis@mlipkis.com](mailto:mlipkis@mlipkis.com) <[mlipkis@mlipkis.com](mailto:mlipkis@mlipkis.com)>  
**Subject:** Joint Letter to Judge Waldor - BanxCorp v. Bankrate

Scott,

We are in receipt of your Appendix I responses. Attached are the following ready for e-filing by Plaintiff's counsel:

- “10-7-11 (final] Joint Letter to Judge Waldor - BanxCorp v. Bankrate.DOCX” (same file as sent a few minutes ago; please return with your s/ signature, or authorize us to insert it, so we can convert to PDF and e-file it)
- “10-7-11 App I (Final) - Jt Ltr to Judge Waldor.PDF” (we merely inserted Ex. A at the end and adjusted the following page breaks: 15/16, 18/19, 20/21, 23/24, 26/27/28)
- “10-7-11 Appendix II - Bankrate's Deficiency Claims [Joint Letter to Judge Waldor].PDF” (same file as sent a few minutes ago)

Please confirm your consent for filing of the Joint Letter.

Kristen Renzulli, Esq.  
Law Offices of Kristen Renzulli, PC  
31 Overlook Drive  
Chappaqua, New York 10514  
914.263.7703  
914.238.9506 Fax  
[kristen@renzullipc.com](mailto:kristen@renzullipc.com)

The content of this e-mail transmission and its attachments, if any, may contain information that is attorney work product, privileged and/or confidential and is only for the use of the intended recipient. If you are not the intended recipient, any disclosure, copying, distribution, use of and/or reliance on the content of this communication is strictly prohibited. If you received this e-mail communication in error, please notify us immediately by telephone and/or reply e-mail and delete the e-mail and destroy any printed copy thereof. Thank you.

---

Circular 230 Disclaimer: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter(s) addressed herein.